

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BRODY JAMES SMITH,
Petitioner,
v.
NEVADA COUNTY JAIL,
Respondent.

No. 2:23-cv-01745-JDP (HC)

ORDER TO SHOW CAUSE

On August 22, 2023, I ordered petitioner to submit, within thirty days, either the \$5 filing fee or an application for leave to proceed *in forma pauperis*. ECF No. 3. To date, petitioner has done neither.

To manage its docket effectively, the court imposes deadlines on litigants and requires litigants to meet those deadlines. The court may dismiss a case for petitioner's failure to prosecute or failure to comply with its orders or local rules. *See* Fed. R. Civ. P. 41(b); *Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988). Involuntary dismissal is a harsh penalty, but a district court has a duty to administer justice expeditiously and avoid needless burden for the parties. *See Pagtalunan v. Galaza*, 291 F.3d 639, 642 (9th Cir. 2002); Fed. R. Civ. P. 1.

Petitioner will be given a chance to explain why the court should not dismiss the case for his failure either to pay the filing fee or to submit an application for leave to proceed *in forma*

1 *pauperis*. Petitioner's failure to respond to this order will constitute a failure to comply with a
2 court order and will result in a recommendation that this action be dismissed. Accordingly,
3 petitioner is ordered to show cause within twenty-one days why this case should not be dismissed
4 for failure to pay the filing fee, failure to prosecute, and failure to comply with court orders.
5 Should petitioner wish to continue with this action, he shall, within twenty-one days, either pay
6 the \$5 filing fee or submit a complete application for leave to proceed *in forma pauperis*. The
7 Clerk of Court is directed to send to petitioner the court's form application for leave to proceed *in*
8 *forma pauperis*.

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10 IT IS SO ORDERED.

11 Dated: October 13, 2023

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13 JEREMY D. PETERSON
14 UNITED STATES MAGISTRATE JUDGE
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